

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-CO-N010-2009-0111-EA

CASEFILE/ALLOTMENT NUMBER: 0501215/04170, 0501212/04169

PROJECT NAME: Renewal of the grazing leases on the Trout Creek #04170 and Upper Trout Creek #04169 Allotments

LEGAL DESCRIPTION: see Allotment Map, Attachment 1

Trout Creek Allotment #04170

T3N R86W sections 4-9
T3N R87W sections 1, 12
T4N R86W sections 27, 33

1,581 acres BLM lands
2,362 acres private lands
3,962 Total Acres

Upper Trout Creek Allotment #04169

T3N R86W sections 6-8

367 acres BLM lands

APPLICANT: Knott Land & Livestock Inc.

PLAN CONFORMANCE REVIEW: The Proposed Action and Alternatives are subject to the following plan:

Name of Plan: Little Snake Resource Management Plan and Record of Decision

Date Approved: April 26, 1989

Results: The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

The Proposed Action is consistent with the Little Snake Resource Management Plan, Record of Decision, Livestock Grazing Management objective to improve range conditions for both wildlife and livestock through proper utilization of key forage plants and adjusting livestock stocking rates

as a result of vegetation studies.

Both allotments under the proposed action lie within the Eastern Yampa River Management Unit and the Eastern Foothills Management Unit. The Proposed Action is compatible with the management objectives for both units which are to provide for the development of oil, gas, and geothermal resources.

NEED FOR PROPOSED ACTION: The Proposed Action is needed to respond to an expiring lease. The previous lease for authorization #0501212 was issued for the term 01/01/07 to 12/31/09, which corresponded to a base property lease attached to the Upper Trout Creek Allotment. The grazing lease for authorization #0501215, Trout Creek Allotment, does not expire until 02/28/2011.

Based on the requested changes and considering that both authorizations are run as a single livestock operation, the BLM determined it was prudent to analyze both authorizations and issue leases that begin on the same date. These leases are subject to renewal at the discretion of the Secretary of the Interior, who delegated the authority to BLM, for a period of up to ten years. The BLM has the authority to renew the livestock grazing lease consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and Little Snake Field Office's *Resource Management Plan/Environmental Impact Statement*. This Plan/EIS has been amended by *Standards for Public Land Health in the State of Colorado*.

The following Environmental Assessment (EA) will analyze the impacts of livestock grazing on public land managed by the BLM. The analysis will recommend terms and conditions to the lease which improve or maintain public land health. The Proposed Action will be assessed for meeting land health standards.

In order to graze livestock on public land, the livestock producer (lessee) must hold a grazing lease. The grazing lessee has a preference right to receive the lease if grazing is to continue. The land use plan allows grazing to continue. This EA will be a site specific look to determine if grazing should continue as provided for in the land use plan and to identify the conditions under which it can be renewed.

PUBLIC SCOPING PROCESS: The BLM Little Snake Field Office sent out a Notice of Public Scoping on December 18, 2008 to determine the level of public interest, concern, and resource conditions on the grazing authorizations that were up for renewal in FY 2009. A Notice of Public Scoping was posted on the Internet, at the Colorado BLM Home Page, asking for public input on grazing permit and lease renewals. Individual letters were sent to the affected permittees and lessees informing them that their permit and/or lease was up for renewal and requesting any information they wanted included or taken into consideration during the renewal process. The issuance of a grazing permit is being carefully analyzed within the scope of the specific action being taken, resources issues or concerns, and public input received.

BACKGROUND: BLM records show that the Knott family has leased Sec. 15 BLM lands since at least 1962 in the Trout Creek area (lands now identified as the Trout Creek Allotment). During the 2000 lease renewal (CO-100-LS-00-019 EA) the BLM combined the Little Middle Creek

Allotment #04168 into the Trout Creek Allotment; both allotments were authorized to Knott Livestock.

BLM records show that Doug Jones held the grazing lease on the Upper Trout Creek Allotment since 1975 which had 108 active AUMs authorized for sheep use. In 1998, Jones parceled and sold the base property to Gene Schwach and Pinnacle Peak Ranch, Gene Schwach retained the Upper Trout Creek Allotment with 60 active AUMs. Jones case file notes indicate that 114 acres of Sec. 15 BLM lands were left vacant as a result of the split and sale of base property, thus the reduction in active AUMs on the Upper Trout Creek Allotment. Since the sale in 1998, Mr. Schwach has leased base property to Knott Land & Livestock.

The Upper Trout Creek Allotment is encompassed by private lands and the Trout Creek Allotment with little to no fencing to delineate allotment boundaries; both allotments along with leased and deeded private lands are managed as one unit for livestock production.

Historically the Knott livestock operation has wintered cattle and sheep on private lands in the valley at the home ranch. As the grazing season progresses, livestock move into the upper country's intermixed public and private lands. Topographical barriers and some fencing have allowed a flexible deferred rotational grazing system to be utilized over the years.

Knott Land & Livestock also lease other private pastures outside of allotment boundaries to help reduce grazing pressure on public and private lands. In whole, the current authorized season of use on public lands is not fully utilized as livestock are moved on a regular basis. The current and proposed authorized season of use is to provide flexibility to the dynamics and seasonal variability's of the livestock operation.

At this time, the Knott's have discontinued sheep production and have requested that domestic goats be authorized on both allotments, they also wish to retain cattle AUMs as well. With this request the BLM determined it was prudent to analyze both authorizations and issue leases on consistent terms. The Knott's have requested a term and condition be allowed for limited sheep use to provide operational flexibility.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action

Authorization #0501215

A 40 acre parcel of public lands that was formerly part of the vacant Foidel Creek Allotment #04167 (T3N R86W SW ¼ NE ¼ sec 9) and lies adjacent to Trout Creek Allotment public lands on two sides will be incorporated into the Trout Creek Allotment. Trout Creek Allotment acreage would increase from 1,541 public land acres to 1,581 public land acres. Based on topography no increase in AUMs would occur.

The allotment administrative boundary on the Trout Creek Allotment would be adjusted to only

incorporate public lands and the lessees base property private lands. The percent public on the grazing lease will be adjusted to reflect the private and public lands within the new allotment boundaries.

There is one unstable head cut in Little Middle Creek, the lessee will stabilize this small area using hay round(s) and the boles of existing aspen trees located adjacent to the area. The hay rounds must be certified weed free, and no more than 5 aspen trees may be cut to use for stabilization. This term and condition must be completed and approved by a BLM interdisciplinary team no later than 08/31/2011.

Renew the grazing lease on the Trout Creek Allotment for a period of ten years, expiring February 28, 2020. The lease would be renewed as follows:

From:

Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		From	To		
Trout Creek #04170	18 Cattle	05/15	10/31	100	101
	90 Sheep	05/15	10/31	100	<u>101</u>
					Total 202

Other Terms and Conditions

Continue to graze so that 1) the same area is not grazed at the same time in two consecutive years, and 2) One year in four, each area is deferred until seed ripe.

To:

Allotment Name & Number	Livestock Number & Kind	Dates		%PL	AUMs
		From	To		
Trout Creek #04170	38 Cattle	05/15	11/30	40	100
	194 Goats	05/15	11/30	40	<u>102</u>
					Total 202

Other Terms and Conditions

- 1) For goats: the same areas may not be grazed or used for bedding for two consecutive years.
- 2) Every year a different pasture must be deferred until after seed ripe.
- 3) With prior BLM approval, up to 50% of active AUMs may be used for sheep in lieu of goats. But both sheep and goats will not be authorized in the same grazing year.

Range Improvements: There are two undocumented developed springs in the Trout Creek Allotment (T3N R86W SW ¼ NW ¼ sec 6 and T3N R86W NE ¼ NW ¼ sec 6). The metal troughs that the springs flow into are in disrepair. The lessee would like to replace the old metal troughs with tire tanks and perform maintenance on the spring piping. This action will also act to

officially document these range improvements.

Authorization #0501212

Renew the grazing lease on the Upper Trout Creek Allotment for a period of five years, corresponding to the base property lease, and expiring December 31, 2014. The lease would be renewed as follows:

From:

Allotment	Livestock	Dates		%PL	AUMs
<u>Name & Number</u>	<u>Number & Kind</u>	<u>From</u>	<u>To</u>		
Upper Trout Creek #04169	54 Sheep	05/15	10/31	100	60

Other Terms and Conditions

1. The AUMs may be run as sheep or cattle, or both.
2. Cattle may not be authorized at more than 50% of the preference unless a grazing system is developed to ensure control of livestock, and that riparian areas are protected and adequate rest and/or deferment will occur on the uplands.
3. Lease is contingent on a valid base property lease.

To:

Allotment	Livestock	Dates		%PL	AUMs
<u>Name & Number</u>	<u>Number & Kind</u>	<u>From</u>	<u>To</u>		
Upper Trout Creek #04169	46 Goats	05/15	11/30	100	60

- 1) For goats: the same areas may not be grazed or used for bedding for two consecutive years.
- 2) The AUMs may be run as goats or cattle, or both.
- 3) With prior BLM approval, up to 50% of active AUMs may be used for sheep in lieu of goats. But both sheep and goats will not be authorized in the same grazing year.

The leases would be subject to the Standard and Common Terms (attachment 2).

No Action Alternative

The lease for the Trout Creek Allotment would be renewed continuing previously authorized use for a period of ten years, expiring on February 28, 2020. The lease for the Upper Trout Creek Allotment would be renewed continuing previously authorized use for a period of five years,

expiring on December 31, 2014.

The leases would be subject to the Standard and Common Terms (attachment 2).

Alternatives Considered but not Analyzed:

No Grazing Alternative

No livestock grazing would take place under this alternative.

This alternative is eliminated from detailed study because it is not a realistic, implementable alternative nor does it meet the requirements of the Federal Land Policy and Management Act of 1976. When the RMP was approved, it was determined that livestock grazing was an appropriate use of this land. Eliminating grazing is not analyzed because no new issues or concerns have been identified that would require this action.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: The allotment does not lie within any special designation air sheds or non-attainment areas.

Environmental Consequences, Both Alternatives: Authorizing cattle and/or goat grazing would not cause regional air quality impairment under either alternative. The existing native plant composition provides sufficient cover to the soil surface to protect it from excessive wind erosion. Vehicular access on existing roads for livestock management activities would result in minimal releases of particulate matter (dust) emissions, but this would be minor and not affect the overall air quality of the area.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 09/08/09

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Kimberly Miller 9/30/09

CULTURAL RESOURCES

Affected Environment: Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for each allotment on September 29, 2009 by Robyn Watkins Morris, Little Snake Field Office Archaeologist. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the Field Office archaeology files.

Data developed here was taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from General Land Office (GLO) maps, BLM land patent records, *An Overview of Prehistoric Cultural Resources Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Appendix 21 of the *Little Snake Resource Management Plan and Environmental Impact Statement*, Draft February 1986, Bureau of Land Management, Craig, Colorado District, Little Snake Resource Area.

The table below is based on the allotment specific analysis developed for the allotments in this EA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment.

Allotment Number	Acres Surveyed at a Class III Level	Acres NOT Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites- Known in Allotment	Estimated Sites for the Allotment *(total number)	Estimated Eligible or Need Data Sites in the Allotment (number)
04170	55	3637 (3692)	1.4	2	98	29
04169	4	363 (367)	1.1	0	9	2

(Note *Estimates of site densities are based on known inventory data. Estimates should be accepted as minimum figures which may be revised upwards based on future inventory findings.)

Four cultural resource inventories have been previously conducted within the allotment #04170 resulting in the complete coverage inventory of 55 acres. Two cultural resources were identified through a historic study of coal mining in the area, one is the historic Trout Creek school house and the other is the historic Apex mine. Both sites are on private land. The GLO plats were reviewed for historic resources. On the 1903 T4N R86W GLO in sections 32, 33, and 28, there was an historic road. On the 1913 T4N R86W GLO section 22, there is a house and pond and it is located on present day USGS quads. On the T3N R86W GLO, sections 4,5,7,8, there are

ditches. On the T3N R86W GLO sections 5, 7, 18, there is an historic road that is same as present day county road.

One cultural resource inventory was previously conducted for allotment #04169 and resulted in 4 acres being surveyed. No cultural resources have been identified within this allotment. The historic GLO plats were reviewed. On the T3N R86W 1891 GLO in section 7 there was "A.M. Male's house" that is possibly in the allotment boundary.

Based on available data, a medium potential for historic properties occurs in both allotments. In addition, the majority of BLM land within the allotments occurs in area where steep slopes would limit the likelihood of cultural resources. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate. Subsequent field inventory for both allotments is to be completed within ten year period of the lease for the Trout Creek Allotment.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

Environmental Consequences, Proposed Action: The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gullyng, and increased potential for unlawful collection and vandalism. Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties.

Although the number of AUMs remains the same for this lease renewal, the timing for livestock use is changing to a longer season with the animals staying a month longer on the range. Use of the range for a longer period may help spread out the impact or it might allow for more impact to continue, subsequent field inventory will help with this determination. There is also a change in the type of AUMs from sheep to goats. The bedding areas will cause concentration and should be monitored to determine if they are impacting cultural resources. Saltblock placement, which creates a concentration area, along roads or anywhere in the allotment would potentially impact historic properties if they are in proximity of the placement.

Environmental Consequences: No Action Alternative: Continued grazing under these terms is acceptable. Impacts would be similar to the Proposed Action.

Standard Stipulations for cultural resources are included in Standard and Common Terms and Conditions (Attachment 2).

The proposed spring improvements must be surveyed prior to work being conducted.

Name of specialist and date: Robyn Watkins Morris, 10/01/09

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Mining, oil & gas development and ranching are the primary economic activities.

Environmental Consequences, Both Alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of either alternative. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None

Name of specialist and date: Louise McMinn, 09/21/09

FLOOD PLAINS

Affected Environment: There are flood plains associated with Trout Creek and Little Middle Creek. All flood plains are functioning properly.

Environmental Consequences, Both Alternatives: There would be no adverse affect or threat to human health and safety with implementation of either alternative.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 08/13/09

INVASIVE, NONNATIVE SPECIES

Affected Environment: Invasive and noxious weeds are present in the affected area. These species include hound's tongue, Canada thistle and other biennial thistles, whitetop, knapweed and cheatgrass. Potential exists for other noxious weeds such as Dalmatian toadflax, leafy spurge and others to spread to the allotments. The presence of weeds in the allotments and the potential for spread increases in areas of concentration or disturbance.

The BLM is cooperating with Knott Land and Livestock to implement weed control practices based on Integrated Weed Management. The lessee has a current Pesticide Use Proposal (PUP) for herbicide application for the control of noxious weeds.

Environmental Consequences, Proposed Action: Livestock grazing as described in the Proposed Action would not cause an increase in invasive or noxious weeds. Goat grazing would likely provide a measure of control for those noxious weeds that they forage on. Disturbance areas such as bedding areas would be monitored and treated for any increase in weeds under the lessee's PUP. The level of noxious weeds within the allotment is currently acceptable and would continue to be under the Proposed Action.

Environmental Consequences, No Action Alternative: This alternative would not result in an increase in noxious or invasive weeds. Noxious weeds are present at an acceptable level within the allotment under current grazing management. Herbicide weed control would still occur under the lessee's PUP.

Name of specialist and date: Christina Rhyne, 09/30/09

MIGRATORY BIRDS

Affected Environment: BLM Instruction Memorandum No. 2008-050 provides guidance towards meeting BLM's responsibilities under the Migratory Bird Treaty Act (MBTA) and the Executive Order (EO) 13186. The guidance emphasizes management of habitat for species of conservation concern by avoiding or minimizing negative impacts and restoring and enhancing habitat quality. The Little Snake Field Office (LSFO) provides both foraging and nesting habitat for a variety of migratory bird species. Several species on the United States Fish and Wildlife Service (USFWS) Birds of Conservation Concern (BCC) list occupy these habitats within the LSFO.

Specific to the allotments, native plant communities are comprised of intermixed sagebrush grassland and mountain shrub with stands of aspen and conifer woodlands. Potential nesting habitat for two species on the BCC list, William's sapsucker and flammulated owl, exists on the allotments. Several bird species also utilize aspen cavities for nesting. There are no known active raptor nests located within either allotment, however several golden eagle nests are located near the allotments.

Environmental Consequences, Proposed Action: While livestock grazing can directly impact reproductive success of migratory songbirds by trampling of nests, it is more likely that grazing indirectly influences reproductive success due to changes in vegetation, such as species composition, height, or cover. The Proposed Action would permit a total of 262 AUMs between May and November each year. Livestock would be rotated through the allotment and grazed in conjunction with private land, ensuring that no area would be grazed during the entire growing season each year. This grazing system would allow for ample growing season rest and adequate plant recovery periods. There would likely be an increase in utilization on shrubs by goat browsing under the Proposed Action. This may impact bird species that nest in dense shrub stands, however, since shrubs were extremely dense in many areas throughout the allotment, adequate shrubs would still exist to provide nesting substrate for most bird species.

Grazing would coincide with migratory bird nesting on both allotments. Spring grazing has the potential to reduce the amount of herbaceous cover available for nest concealment. Herbaceous cover is an important component for several ground nesting species. Standard terms and conditions would keep utilization at a moderate level. This, combined with movement of livestock through the allotments would minimize any potential impacts to ground nesting species. Data from an allotment visit showed the vegetative community to be in good condition,

providing suitable and productive habitat for migratory bird species. These conditions are expected to continue under the grazing system described in the Proposed Action. Overall, the Proposed Action would be compatible with maintaining local migratory bird populations.

Environmental Consequences, No Action Alternative: Under the current grazing system, both allotments were found to be meeting all land health standards and providing suitable and productive habitat for a variety of migratory bird species. Habitat conditions would be expected to remain unchanged under this alternative.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 09/30/09

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Eastern Shoshone, Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 26, 2009. The letter listed the FY2010 projects that the BLM would notify them on and projects that would not require notification. A follow up phone call was performed on July 26, 2009. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 10/01/09

PRIME & UNIQUE FARMLANDS

Affected Environment: There is no soil survey published for this area, best available information indicates there are no prime or unique farmlands in this area.

Environmental Consequences, Both Alternatives: None

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 07/30/09

T&E AND SENSITIVE ANIMALS

Affected Environment: The allotments provide habitat for one BLM sensitive species, Columbian sharp-tailed grouse. There are no leks located within the boundaries of either allotment and the area is not mapped as nesting habitat for sharp-tailed grouse.

The allotment does not provide habitat for any federally threatened or endangered species.

Environmental Consequences, Proposed Action: Livestock grazing can influence grouse indirectly by altering habitat components such as species composition, height, or cover. The

Proposed Action would permit a total of 262 AUMs between May and November each year. Livestock would be rotated through the allotment and grazed in conjunction with private land, ensuring that no area would be grazed during the entire growing season each year. This grazing system would allow for ample growing season rest and adequate plant recovery periods. There would likely be an increase in utilization on shrubs by goat browsing under the Proposed Action. Shrub species, primarily snowberry, are extremely dense in both allotments and even with an increase in browsing on these shrubs, the allotments would continue to provide suitable habitat for sharp-tailed grouse. A decrease in shrub cover would also increase grasses and forbs, which are both important components of grouse habitat. Overall, the Proposed Action would be compatible with maintaining quality habitat for Columbian sharp-tailed grouse.

Environmental Consequences, No Action Alternative: Under the grazing system proposed in the No Action Alternative, both allotments are meeting all land health standards and providing suitable and productive habitat for Columbian sharp-tailed grouse. Habitat conditions would remain unchanged under this alternative.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 09/30/09

T&E AND SENSITIVE PLANTS

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present on either allotment.

Environmental Consequences, Both Alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim, 09/22/09

WASTES, HAZARDOUS OR SOLID

Affected Environment: There are no hazardous materials present on the Trout Creek or Upper Trout Creek Allotments.

Environmental Consequences, Both Alternatives: Potential releases of hazardous materials could occur due to vehicular access for livestock management operations. Coolant, oil, and fuel are materials that could potentially be released. Due to the limited amount of vehicular activity that would be required, the potential for releases of any of these materials is low and if a release were to occur, it would be minimal and highly localized and not result in an adverse impact to the allotments.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 07/30/09

WATER QUALITY - GROUND

Affected Environment: The surface formation is the Isles formation.

Environmental Consequences, Both Alternatives: No surface activity is proposed that would change any subsurface groundwater chemistry.

Mitigative Measures: None

Name of specialist and date: Marty O'Mara, 09/28/09

WATER QUALITY – SURFACE

Affected Environment: Surface runoff on the east side of the Trout Creek Allotment flows into Trout Creek, a perennial water channel. Runoff on the west side of the allotment eventually flows into Middle Creek, a tributary to Trout Creek. Agricultural use is a classified beneficial use of Trout Creek and all its tributaries and wetlands. Trout Creek and its tributaries and wetlands achieve or exceed water quality standards. There is no reason to suspect any water quality impairment on either allotment.

Environmental Consequences, Both Alternatives: None

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 08/13/09

WETLANDS/RIPARIAN ZONES

Affected Environment: There are two small reaches of Trout Creek and approximately one mile of Little Middle Creek that runs through the allotments. In addition, there is small stock ponds on public and private lands scattered throughout the allotments.

One reach of Trout Creek was assessed for Properly Functioning Condition (PFC) in 2008, and is rated as PFC. Little Middle Creek was assessed for PFC in 2000, and rated Functioning at Risk (FAR) with a downward trend. There is photographic evidence that this area has improved since the last riparian assessment. A 2009 assessment on Little Middle Creek rated this stream reach as Functioning at Risk (FAR) with an upward trend.

Environmental Consequences, Proposed Action: Overall, there would be no adverse affects. Fencing, topographical barriers, and a deferred rotational grazing system prevent livestock from concentrating in riparian areas for extended lengths of time, thus preventing riparian degradation.

There would be beneficial impacts to Little Middle Creek with the corrective measures on the unstable headcut area as implemented with the proposed action. These corrective measures would prevent further potential downcutting, expansion, and erosion from high flow events.

Environmental Consequences, No Action Alternative: There would be no adverse affects; fencing, topographical barriers, and a deferred rotational grazing system prevent livestock from concentrating in riparian areas for extended lengths of time, thus preventing riparian degradation. The unstable headcut area on Little Middle Creek would remain prone to additional degradation from high flow events without corrective measures.

Name of specialist and date: Mark Lowrey, 08/13/09

WILD & SCENIC RIVERS

Affected Environment: Not present

Environmental Consequences, Both Alternatives: None

Mitigative Measures: None

Name of specialist and date: Kimberly Miller, 09/30/09

WSAs, WILDERNESS CHARACTERISTICS

Affected Environment: Not present

Environmental Consequences, Both Alternatives: None

Mitigative Measures: None

Name of specialist and date: Kimberly Miller, 09/30/09

NON-CRITICAL ELEMENTS

SOILS

Affected Environment: There is no soil survey published for this area.

Environmental Consequences, Both Alternatives: There would be no adverse affects. At the four sites assessed for land health in 2009 all soil standards are met.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 08/13/09

UPLAND VEGETATION

Affected Environment: Vegetation on both allotments is very diverse ranging from species associated with sagebrush grasslands, large dense areas of mountain shrub vegetation types, large aspen colonies, and dense stands of Engelmann spruce.

Environmental Consequences, Proposed Action: Under this alternative shrubs would see increased utilization from goats browsing. In many areas of the allotments where shrubs have become denser than desired, beneficial impacts to herbaceous understory would occur by allowing more sunlight and reducing competition. As long as the livestock manager and herder adhere to the terms and conditions of the lease: not to graze the same area in two consecutive years and rotate livestock throughout the allotments there would be no adverse impacts. Goat browsing could have beneficial impacts in the form of noxious weed control on public and private lands within allotment administrative boundaries. There would be no other adverse impacts associated with cattle grazing; current conditions would persist. Current conditions are meeting vegetation management objectives with the exception of increased shrub density in some areas.

Environmental Consequences, No Action Alternative: There would be no adverse impacts from this alternative, current conditions would continue. There are no degrading upland vegetation resource concerns on either allotment.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 08/13/08

WILDLIFE, AQUATIC

Affected Environment: Two small reaches of Trout Creek, one mile of Little Middle Creek and several stock ponds with riparian vegetation associated with these waters provide potential habitat for aquatic wildlife. One reach of Trout Creek was assessed for Properly Functioning Condition (PFC) in 2008, and is rated as PFC. Little Middle Creek was assessed for PFC in 2009 and is rated as Functioning at Risk (FAR) with an upward trend.

Environmental Consequences, Both Alternatives: Livestock would be rotated through the allotment and would not be allowed to concentrate in any area for an extended period of time. This would prevent riparian degradation and minimize any potential impacts to aquatic wildlife. Riparian systems are currently in good condition and would be expected to remain that way under both the Proposed Action and the No Action Alternative.

Mitigative Measures: None

Name of specialist and date: Desa Ausmus, 09/30/09

WILDLIFE, TERRESTRIAL

Affected Environment: Vegetation in the allotments consists of big sagebrush and mountain shrub communities with stands of aspen and conifer. These plant communities provide habitat for a variety of mammals, birds and reptiles. Both allotments provide winter habitat for elk during moderate winters. The allotments do not provide critical habitat for any wildlife species.

Environmental Consequences, Proposed Action: Grazing under the Proposed Action would be managed by rotating livestock through the two allotments, ensuring adequate growing season rest. This would provide for plant recovery and regrowth. Data from allotment visits showed the vegetative community to be in good condition, providing suitable and productive habitat for a variety of terrestrial wildlife species. Changes to shrub density may occur under the Proposed Action as goats would browse more on shrubs. Shrub species, primarily snowberry, are extremely dense in both allotments and even with an increase in browsing on these shrubs, adequate shrub cover would be available to browsing wildlife species. This area is not utilized by mule deer during the winter months, so goat browsing would not be impacting important mule deer winter habitat. Overall, the proposed grazing regime is compatible with maintaining suitable terrestrial wildlife habitat.

Environmental Consequences, No Action Alternative: Under the current grazing system, both allotments were found to be meeting all land health standards and providing suitable and productive habitat for a variety of terrestrial wildlife species. Habitat conditions would remain unchanged under this alternative.

Name of specialist and date: Desa Ausmus, 09/30/09

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals		EMO 09/28/09	
Forest Management		MAL 08/13/09	
Hydrology/Ground		See Ground Quality	
Hydrology/Surface		MAL 08/13/09	
Paleontology		EMO 09/24/09	
Range Management		MAL 08/13/09	
Realty Authorizations		LM 09/21/09	
Recreation/Travel Mgmt		KMM 9/30/09	
Socio-Economics		LM 09/21/09	
Solid Minerals		JAM 09/21/09	
Visual Resources		KMM 9/30/09	
Wild Horse & Burro Mgmt	MAL		

	01/28/09	
--	----------	--

CUMULATIVE IMPACTS SUMMARY: These allotments and areas surrounding have historically been grazed by both sheep and cattle. Numerous maintained and unmaintained roads exist throughout the area, including on the allotments. These roads are used regularly by local residents and ranchers as well by as the primary recreation users in the area, hunters. Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. The Proposed Action to continue grazing on this allotment is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

STANDARDS

PLANT AND ANIMAL COMMUNITY (animal) STANDARD:

The two allotments provide habitat for big game species as well as small mammals, reptiles and birds. Vegetative communities within the allotment are in good condition, providing productive habitat for a variety of wildlife species.

This standard is met on both allotments for animal communities and would continue to be met with implementation of either alternative.

Name of specialist and date: Desa Ausmus, 07/27/09

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD:

The Trout Creek and Upper Trout Creek Allotments provide habitat for Columbian sharp-tailed grouse, a BLM sensitive species. Overall, vegetative communities are in good condition, providing healthy and productive habitat for sharp-tailed grouse. In a few areas, the shrub component was denser than is appropriate for high quality grouse habitat. This standard is met for both allotments and would continue to be met with implementation of either alternative.

Name of specialist and date: Desa Ausmus, 07/27/09

PLANT AND ANIMAL COMMUNITY (plant) STANDARD:

Vegetative components include native plant species expected to occur on these allotments. Overall, vegetation composition, diversity, and production are what would be expected for this area, although it was noted at all locations that the mountain shrub component is becoming denser than what would be expected under a natural fire regime. The noxious weed hound's-tongue (*Cynoglossum officinale*) is occurring in many areas of both allotments but is at acceptable levels and not causing degradation. This standard is met for both allotments and would continue to be met with implementation of either alternative.

Name of specialist and date: Mark Lowrey, 08/13/08

**SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant)
STANDARD:**

There are no federally listed threatened or endangered or BLM sensitive plant species present on either allotment. This standard does not apply.

Name of specialist and date: Hunter Seim, 09/22/09

RIPARIAN SYSTEMS STANDARD:

A lotic riparian assessment for (upper) Little Middle Creek, an intermittent stream, was completed in 2009. Overall, the riparian area met all criteria for the site regarding hydrologic (floodplain) function and vegetation present. Because of the intermittent nature of the stream, wildlife and cattle concentrate at several locations where water re-emerges along the valley, causing areas of disturbance which are not typical of the entire stream reach. Most of these disturbed areas do not show signs of expansion and are adequately vegetated above and below spring/creek emergence and are therefore stable. There are two widened headcuts in the otherwise narrow, heavily vegetated channel. One appears to be stabilized with rock and logs, the other needs reinforcement. One reach of Trout Creek was assessed for Properly Functioning Condition (PFC) in 2008, and is rated as PFC.

Little Middle Creek was assessed for PFC in 2000, and rated Functioning at Risk (FAR) with a downward trend. There is photographic evidence that this area has improved since the last riparian assessment. A 2009 assessment on Little Middle Creek rated this stream reach as Functioning at Risk (FAR) with an upward trend. This standard is met for the Trout Creek Allotment and would continue to be met with implementation of either alternative. There are no riparian resources in the Upper Trout Creek Allotment therefore this standard does not apply.

Name of specialist and date: Emily Spencer, 08/05/09

WATER QUALITY STANDARD:

Surface runoff on the east side of the Trout Creek Allotment flows into Trout Creek, a perennial water channel. Runoff on the west side of the allotment eventually flows into Middle Creek, a tributary to Trout Creek. Agricultural use is a classified beneficial use of Trout Creek and all its tributaries and wetlands. Trout Creek and its tributaries and wetlands achieve or exceed water quality standards. There is no reason to suspect any water quality impairment on either allotment. This standard is being met for both allotments and would continue to be met with implementation of either alternative.

Name of specialist and date: Emily Spencer, 08/05/09

UPLAND SOILS STANDARD:

These allotments contain the vegetation types that would be expected for this area. There is good diversity, vigor, and recruitment in all herbaceous species, shrubs, and aspen trees. There is no sign of erosion and the soils are well protected with vegetation and litter cover. This standard is met for both allotments and would continue to be met with implementation of either alternative.

Name of specialist and date: Mark Lowrey, 08/13/09

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Flattops Knott Land & Livestock Inc.

ATTACHMENTS: Attachment 1, Allotment Map
Attachment 2, Standard and Common Terms and Conditions

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

Finding of No Significant Impact

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. With the implementation of the attached mitigation measures there is a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

ATTACHMENT #2
DOI-BLM-CO-100-2009-0111 EA
TERMS AND CONDITIONS

Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

- 10) Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed-free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.

- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.